

Article - Environment

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§7-514.

(a) A response action plan approval letter does not:

(1) Subject to the provisions of § 7-505 of this subtitle, prevent the Department from taking action against any person to prevent or abate an imminent and substantial endangerment to the public health or the environment at the eligible property;

(2) Remain in effect if the response action plan approval letter is obtained through fraud or a material misrepresentation;

(3) Affect the authority of the Department to take any action against any person concerning new contamination or the exacerbation of existing contamination at an eligible property after a response action plan approval letter has been issued by the Department;

(4) Affect the authority of the Department to take any action against a responsible person concerning previously undiscovered contamination at an eligible property after a response action plan approval letter has been issued by the Department;

(5) Prevent the Department from taking action against any person who is responsible for long-term monitoring and maintenance as provided in the response action plan; or

(6) Prevent the Department from taking action against any person who does not comply with conditions on the permissible use of the eligible property contained in the response action plan approval letter.

(b) A certificate of completion does not:

(1) Subject to the provisions of § 7-505 of this subtitle, prevent the Department from taking action against any person to prevent or abate an imminent and substantial endangerment to the public health or the environment at the eligible property;

(2) Remain in effect if the certificate of completion is obtained through fraud or a material misrepresentation;

(3) Affect the authority of the Department to take any action against any person concerning new contamination or exacerbation of existing contamination at an eligible property after a certificate of completion has been issued by the Department;

(4) Affect the authority of the Department to take any action against a responsible person concerning previously undiscovered contamination at an eligible property after a certificate of completion has been issued by the Department;

(5) Prevent the Department from taking action against any person who is responsible for long-term monitoring and maintenance for failure to comply with the response action plan;

(6) Prevent the Department from taking action against any person who does not comply with conditions on the permissible use of the eligible property contained in the certificate of completion; or

(7) Subject to the provisions of § 7-512 of this subtitle, prevent the Department from requiring any person to take further action if the eligible property fails to meet the applicable cleanup criteria set forth in the response action plan approved by the Department.

(c) A response action plan approval letter or a certificate of completion may be transferred to any person whose actions did not cause or contribute to the contamination.

(d) (1) If a certificate of completion is conditioned on the permissible use of the property, the participant shall record the certificate of completion in the land records of the local jurisdiction within 30 days after receiving the certificate.

(2) If the certificate of completion has a conditioned use and the participant fails to record the certificate of completion in the land records in accordance with paragraph (1) of this subsection, the certificate of completion shall be void.

(3) (i) If a certificate of completion is conditioned on the permissible use of the property, the participant shall send a copy of the certificate of completion to a one-call system, as defined in § 12-101 of the Public Utilities Article.

(ii) Any obligation for the participant to send the information required under subparagraph (i) of this paragraph does not negate the obligation of an owner as defined under § 12-101(f) of the Public Utilities Article to become a member of the one-call system under Title 12 of the Public Utilities Article.

(e) Subject to the provisions of § 7-516(a) of this subtitle, if an owner of an eligible property that has limited permissible uses wants to change the use of the eligible property, the owner, subject to approval by the Department, is responsible for the cost of cleaning up the eligible property to the appropriate standard.

(f) The participant and any successors in interest in a property subject to a certificate of completion shall continue to be protected from liability in the event of any violation of the conditions placed on the use of the property, provided that the participant and any successors in interest did not cause or contribute to the violation.

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